



U.S. Department of Justice

*United States Attorney
Eastern District of New York*

SG

*610 Federal Plaza
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By Email and ECF

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Re: United States v. Waldrop and Jones
Criminal Docket No. 23-378 (RPK)

Dear Messrs. Intrater, Fishman, Fidler, & Moore:

This letter serves to notice you of a discovery production in accordance with Rule 16 of the Federal Rules of Criminal Procedure. The government also requests reciprocal discovery from the defendants.

This production contains 3,630 documents, including material from search warrants, grand jury subpoenas, and various government agencies. A detailed index is included with the production. The documents are being made available via Box.com, a secure file sharing service. Additional instructions for accessing the production will be given via email.

I. The Government's Discovery

A. Overall Structure

The materials are grouped in three main categories: Government Documents, Grand Jury Subpoenas, and Search Warrants. Please note that some documents are included in multiple sections where relevant and individual Bates numbers may represent a larger file, such as .zip, that contains multiple documents.

The general structure within Government Documents includes:

- a. Expert Witness Materials: OPFF_GOV_0001440-1453.
- b. Interview Materials: OPFF_GOV_0000001-113 & 1472.
- c. Laboratory Reports: OPFF_GOV_0000594, 1495, 1500, & 1543.
- d. Prior Investigations: OPFF_GOV_0000114-283.
- e. Proffer Materials: OPFF_GOV_0001497-1499.
- f. Reports of Investigation (ROI): OPFF_GOV_0000612-1516.
- g. ROI Attachments: OPFF_GOV_000285-610.
- h. Shipment Details: OPFF_GOV_0001157-1358.
- i. Surveillance Evidence: OPFF_GOV_0001049-1114.

The general structure within Grand Jury Subpoenas includes:

- a. American Express: OPFF_GJ_0000001-4 & 1526-1535.
- b. Apple: OPFF_GJ_0003060-3076.
- c. AT&T: OPFF_GJ_0003077-3080.
- d. Colony Bank: OPFF_GJ_0003083.
- e. DHL: OPFF_GJ_0003087-3088.
- f. eBay: OPFF_GJ_0003089-3102.
- g. Etsy: OPFF_GJ_0003104-3233.
- h. Facebook: OPFF_GJ_0003239-3264.
- i. PayPal: OPFF_GJ_0003265-3536.
- j. Phenix Federal Credit Union: OPFF_GJ_0003537-3540.
- k. Rice's Taxidermy: OPFF_GJ_0003774.
- l. Santander: OPFF_GJ_0005600-6280.
- m. Synovus Bank: OPFF_GJ_0003785-5280.
- n. The Bird Specialist: OPFF_GJ_0005480-5597.
- o. Verizon: OPFF_GJ_0005599.

The general structure within Search Warrants includes:

- a. Gmail: OPFF_SW_0000001-39.
- b. Waldrop residence: OPFF_SW_0001115-1207 & 000040-293.

B. Statements of the Defendants

Documents that include statements of defendant John Waldrop include prior conversations and correspondence with U.S. Fish and Wildlife Service inspectors at OPFF_GOV_0000146 – OPFF_GOV_0000234, OPFF_GOV_0000690, OPFF_GOV_0000740, OPFF_GOV_0000779, OPFF_GOV_0000795. Correspondence between Mr. Jones and the

inspectors is included at OPFF_GOV_0000237-0000283. This list is not meant to be exhaustive, but rather to direct you to these statements within the larger production.

C. Criminal History

The government is unaware of any prior history for Dr. Waldrop. The response for Mr. Jones is included at OPFF_GOV_0000104.

D. Documents and Tangible Objects

Mr. Waldrop's residence and lake house in Cataula, Georgia, were searched by law enforcement on October 28th, 2020. A copy of the warrant is available at OPFF_SW_00000040. The property receipt, including a list of seized items, is available at OPFF_SW_00000047.

You may examine the physical evidence discoverable under Rule 16, including bird mounts, eggs, or original documents, by calling me to arrange a mutually convenient time.

E. Reports of Examinations and Tests

Biologists completed analyses on images of the seized bird mounts, as well as the physical bird mounts and eggs. Those reports are available at OPFF_GOV_0000594, OPFF_GOV_0001495, OPFF_GOV_00001500, and OPFF_GOV_0001543. The government will provide you with copies of any additional reports of examinations or tests in this case as they become available.

F. Expert Witnesses

The government will comply with Fed. R. Crim. P. 16(a)(1)(G) and Fed. R. Evid. 702, 703, and 705 and notify you in a timely fashion of any expert that the government intends to call at trial and provide you with a summary of the expert's opinion.

At present, the government anticipates calling experts at trial to testify about the identification of the taxidermy bird mounts and eggs seized from the mail and Dr. Waldrop's residence and lake house. The identity, qualifications, and bases for the conclusions of each expert will be provided to you in due course.

G. Brady Material

The government is not aware of any exculpatory material regarding the defendants. The government understands and will comply with its continuing obligation to produce exculpatory material as defined by Brady v. Maryland, 373 U.S. 83 (1963), and its progeny.

Before trial, the government will furnish materials discoverable pursuant to Title 18, United States Code, Section 3500, as well as impeachment materials. See Giglio v. United States, 405 U.S. 150 (1972).

H. Other Crimes, Wrongs or Acts

The government will provide the defendants with reasonable notice in advance of trial if it intends to offer any material under Fed. R. Evid. 404(b).

I. Personally Identifiable Information

The discovery materials contain a limited amount of redacted Personally Identifiable Information (PII). We have done our best to ensure that you can determine the source of documents, as well as the subject of documents, without disclosing sensitive PII collected by the government as part of an investigation. If you have questions regarding redactions, please contact us and we can discuss acceptable ways of providing such information if appropriate. As we discussed, we have largely not redacted PII of your clients but would do so prior to any documents becoming public as exhibits or at trial.

If, during review of this discovery, you do find any PII within the materials, do not disclose such information beyond your legal team and please notify us immediately according to the standing rules of the Eastern District of New York.

II. The Defendant's Required Disclosures

The government hereby requests reciprocal discovery under Rule 16(b) of the Federal Rules of Criminal Procedure. The government requests that the defendants allow inspection and copying of (1) any books, papers, documents, data, photographs, tapes, tangible objects, or copies or portions thereof, that are in the defendants' possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely on at trial, and (2) any results or reports of physical or mental examinations and of scientific tests or experiments made in connection with this case, or copies thereof, that are in the defendant's possession, custody or control, and that the defendant intends to introduce as evidence or otherwise rely upon at trial, or that were prepared by a witness whom the defendant intends to call at trial.

The government also requests that the defendants disclose prior statements of witnesses who will be called by the defendant to testify. See Fed. R. Crim. P. 26.2. In order to avoid unnecessary delays, the government requests that the defendants have copies of those statements available for production to the government no later than the commencement of trial.

The government also requests that the defendant disclose a written summary of testimony that the defendants intend to use as evidence at trial under Rules 702, 703, and 705 of the Federal Rules of Evidence. The summary should describe the opinions of the witnesses, the bases and reasons for the opinions, and the qualification of the witnesses.

Pursuant to Fed. R. Crim. P. 12.3, the government hereby demands written notice of the defendants' intention, if any, to claim a defense of actual or believed exercise of public authority, and also demands the names and addresses of the witnesses upon whom the defendants intend to rely in establishing the defense identified in any such notice.

III. Future Discussions

If you have any questions or requests regarding further discovery or a disposition of this matter, please do not hesitate to contact us.

Please be advised that, pursuant to the policy of the Office concerning plea offers and negotiations, no plea offer is effective unless and until made in writing and signed by authorized representatives of the Office. In particular, any discussion regarding the pretrial disposition of a matter that is not reduced to writing and signed by authorized representatives of the Office cannot and does not constitute a “formal offer” or a “plea offer,” as those terms are used in Lafler v. Cooper, 132 S. Ct. 1376 (2012), and Missouri v. Frye, 132 S. Ct. 1399 (2012).

Very truly yours,

BREON PEACE
United States Attorney

By: /s/ Anna Karamigios
Assistant U.S. Attorney

/s/ Ryan Connors
Senior Trial Attorney

Enclosures

cc: Clerk of the Court (RPK) (by ECF) (without enclosures)